REMARKS AND ARGUMENTS

The application has currently claims 7-20 pending. The Examiner requires restriction under 356 U.S.C 121 and 372.

The examiner states that the application contains two groups of inventions:

- Group I, claims 7-18, drawn to a pentarphin molecule consisting of a structure of SEQ ID NO:4, a drug composition **comprising** of pentarphin SEQ ID NO:4 and a method to increase the activity and/or concentration of macrophages and/or T-lymphocytes in a mammal body administering to a patient a therapeutically active amount of a drug composition comprising of pentarphin sequence SEQ ID NO:4 in a linear or a cyclic form.

- Group II, claims 19-20, are drawn to a cell cultivation medium comprising pentarphins having a linear or cyclic structure.

According to PCT Rule 13.2, unity of invention exists only when the shared or corresponding technical feature is a contribution over the prior art. The Examiner states that the inventions listed as Groups I –II do not relate to a single general inventive concept because they lack the same or corresponding special technical feature. The technical feature of Group I is pentarphin molecule or a drug composition comprising of SEQ ID NO :4 (VKGFY). The special technical feature of a decapeptide NH2-SLTCL**VKGFY**-COOH comprising the SEQ ID NO :4 has been disclosed by Zavyalov et al. Immunology letters, 1996, 49, 21-26 and hence does not make a contribution over the prior art. Moreover, the Group II does not require the SEQ ID NO: 4 as a special technical feature for the cell culture medium.

The Examiner further states that the application contains claims directed to the following patentably distinct species: pentarphin molecule and compositing comprising pentharphin sequence SEQ ID NO: 4. The species are independent or distinct because the pentarphin

molecule can be any peptide consisting of SEQ ID NO:4 and the drug composition comprising pehtraphin sequence SEQ ID NO:4 can again be any peptide molecule.

Applicant is required under 35 USC 121 to elect a single disclosed species of the peptide with SEQ ID NO identifying the peptide sequence for prosecution on the merits to which the claims shall be restricted if no generic claims is finally held to be allowable. Currently claims 7,8,11 are generic.

The applicant preliminary elects Group I and SEQ ID NO:4. The applicant however, has amended the claims and believes that the restriction requirement is not any more relevant:

The applicant has amended claims 8, and 11 so as to limit the drug composition to comprise pentraphin molecule having amino acid sequence of SEQ ID NO: 4. Therefore, the technical feature of Group I (claims 7-18) is not anymore pentarphin molecule or a drug composition **comprising** of SEQ ID NO:4, but pentarphin molecule or a drug composition comprising the pentarphin molecule which molecule has amino acid sequence according to SEQ ID NO:4. Therefore, even if Zavyalov et al have disclosed peptide NH2-SLTCLVKGFY-COOH, comprising SEQ ID NO:4, they did not disclose drug composition comprising the pentarphin molecule having amino acid sequence according to SEQ ID NO:4. Therefore the special technical feature makes a contribution over the prior art.

Moreover, the applicant has amended claim 19 to include pentarphin molecules having amino acid sequence according to SEQ ID NO: 4. Thereby Group II now requires the SEQ ID NO:4 as a special technical feature for cell culture medium and the restriction is not any more relevant.

CONCLUSION

The applicant preliminarily elects Group I and SEQ ID NO:4 and respectfully request reconsideration of the restriction requirement based on the amended claims.

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